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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

A & H SPORTSWEAR CO., INC.

17 4210

)
Plaintiff,
) CIVIL ACTION NO.
v.) JURY TRIAL
Defendants.) DEMANDED
PRE SHOP LLC d/b/a WAIST GANG
SOCIETY AND NAKEITHA FELDER
a/k/a PREMADONNA87,

**COMPLAINT FOR TRADEMARK INFRINGEMENT,
TRADEMARK DILUTION, AND UNFAIR COMPETITION**

Plaintiff, A & H Sportswear Co. Inc. ("A&H"), alleges as follows, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to all other matters:

NATURE OF THIS ACTION

1. This is a civil action for trademark infringement and unfair competition under federal, state, and common law, and trademark dilution under federal and state law. A&H seeks equitable and monetary relief from Defendants' violations of A&H's trademark rights in its MIRACLESUIT, MIRACLESHAPER, and other MIRACLE-formative marks.

2. Defendants have been offering for sale, selling, and promoting shapewear under the names and marks MIRACLE WAIST SHAPER, MIRACLE AFRICAN DIET DROPS, MIRACLE SLIMMING BODY WRAP KIT, and WAISTGANGSOCIETY WATER MIRACLE SHED PILLS (the "Unauthorized MIRACLE Marks") in violation of A&H's trademark rights. Defendants are free-riding off A&H's hard-earned goodwill at the expense of both A&H and

consumers, who are likely to believe Defendants have a relationship with A&H and/or that Defendants' products are made, approved, and/or licensed by A&H.

PARTIES

3. Plaintiff A&H is a Pennsylvania corporation with a principal place of business at 110 Commerce Way, Stockertown, Pennsylvania 18083.

4. Defendant Pre Shop LLC, doing business as Waist Gang Society, is a company with an address at 11285 SW 211th Street, Suite 202, Miami, Florida 33189.

5. Defendant Nakeitha Felder, also known as Premadonna87, is an individual and the president and chief executive officer of Pre Shop LLC. Nakeitha Felder is also located at 11285 SW 211th Street, Suite 202, Miami, Florida 33189.

JURISDICTION AND VENUE

6. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a) and (b). Because A&H is a citizen of the Commonwealth of Pennsylvania, Defendants are citizens of Florida, and the matter in controversy exceeds \$75,000 exclusive of interest and costs, the Court also has jurisdiction under 28 U.S.C. § 1332. The Court has supplemental jurisdiction over A&H's state-law claims pursuant to 28 U.S.C. § 1337(a) because they are substantially related to its federal claims and arise out of the same case or controversy.

7. This Court has specific personal jurisdiction over Defendants because they have purposefully availed themselves of the privilege of conducting business in Pennsylvania. Defendants offer, market, promote, and sell their products that are the subject of this lawsuit through their website to consumers located in Pennsylvania.

8. Venue lies in this District pursuant to 28 U.S.C. § 1331(b) and (c) because a substantial part of the events giving rise to A&H's claims have occurred and are continuing to occur in this District and A&H's trademarks at issue are located in this District, where A&H maintains its principal place of business.

A&H, ITS PRODUCTS, AND ITS MIRACLE TRADEMARKS

9. With roots tracing back to the 1930's, A&H is one of the most successful and admired makers of swimwear and shapewear. Through innovative engineering, A&H helped revolutionize the swimwear industry by introducing swimwear with patented shaping technology and construction that allowed for both horizontal control and vertical stretch.

10. Since as early as 1991, A&H has continuously used and promoted the mark MIRACLESUIT in connection with its innovative figure-shaping swimsuits, as shown in the examples below:





11. By 1995, A&H expanded its MIRACLESUIT product line to include bras, lingerie, leotards, shorts, cover-ups, and dresses, as shown in the examples below:

MIRACLESUIT SHAPING WAISTLINE BRIEF

\$35.00

Sexy Sheer Shaping panties

Availability: In stock

Size Chart

Color: Black

Size: XXL

* Required Fields

QUANTITY:

MIRACLESUIT SHAPING BODYBRIEFER

\$65.00

Sexy Sheer Shaping Body Set

Availability: In stock

Size Chart

Color: Nude

Size: S

Choose an Option

* Required Fields

QUANTITY:

MIRACLESUIT BOLD PRINT COVER UP DRESS

\$94.00 \$108.00

Write a review

Swimwear Cover Up

Availability: In stock

Size Chart

Color: Black/White

Size: L/XL

* Required Fields

QUANTITY: 1

ADD TO CART

MIRACLESUIT MUST HAVE CAP SLEEVE DRESS

\$100.00

Swimwear Cover Up

Availability: In stock

Size Chart

Color: Black

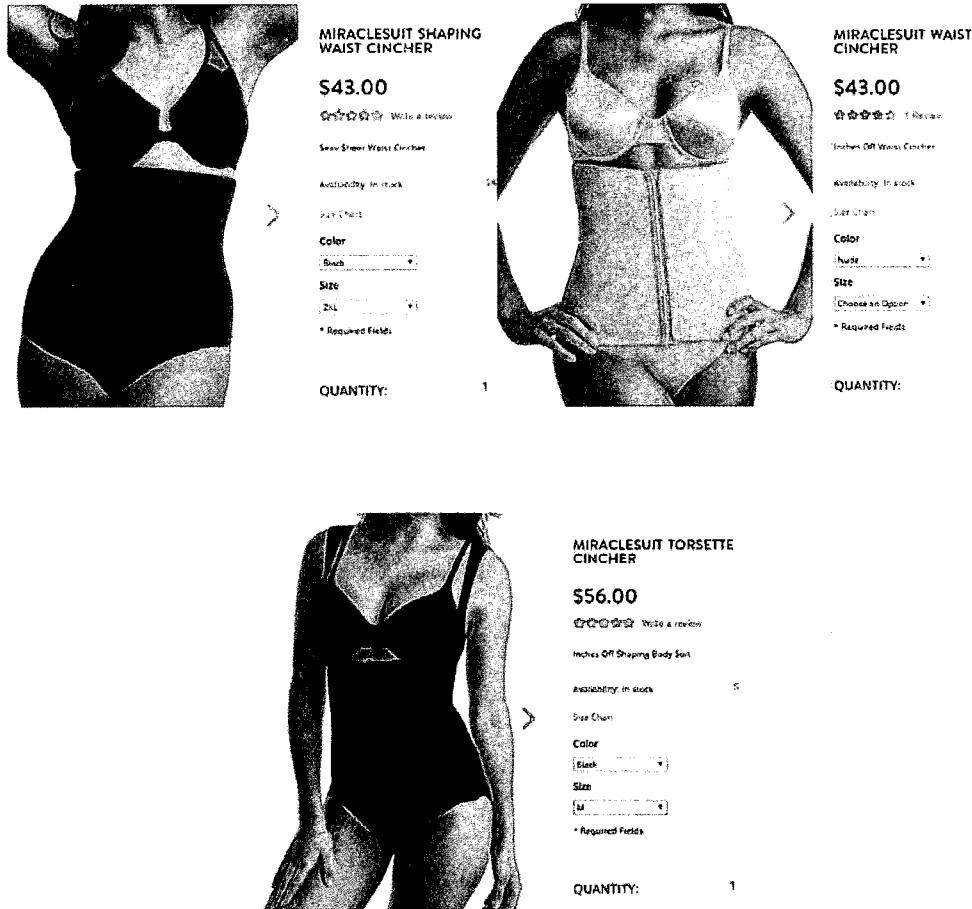
Size: S

* Required Fields

QUANTITY: 1

ADD TO CART

12. Capitalizing on its ongoing success, in 2001 A&H introduced a full line of shapewear under the MIRACLESUIT mark, as shown in the representative examples below:



Over the years, A&H has sold millions of products in connection with its MIRACLESUIT mark.

13. In addition to its MIRACLESUIT mark, A&H has for many years used and promoted the mark MIRACLE SHAPER and numerous other MIRACLE marks in connection with its wide range of products, including MIRACLEBODY, MIRACLEJEANS, MIRACLE DRESS, and WHY PRAY FOR A MIRACLE WHEN YOU CAN WEAR ONE (individually and collectively the “MIRACLE Marks”). These MIRACLE Marks have been used and promoted individually and together (as shown below), so that consumers have come to associate the MIRACLE portion of the marks with one source, namely A&H:



Designed to drastically slim underneath your best dressed to impress. Miraclesuit Shapewear features MiracleShaper® extra firm control, undeniable shaping, and a Fit Advantage that comfortably clings to your curves to create a most confident look.



Miraclebody's form-flattering collection of jeans and tops features our signature tummy control panel and hidden inner liners to comfortably conceal. Miracle Jean® premium denim is specifically crafted to enhance your life and style - giving every BODY a flawless figure.



Miraclebody Oversized Stripe Camp Shirt
Regular Price: \$108.00



Miraclebody Oversized Broken Arrow Camp Shirt
Regular Price: \$108.00

A&H'S SALES AND PROMOTION OF ITS MIRACLE-BRANDED PRODUCTS

14. A&H has sold millions of dollars' worth of products under its MIRACLESUIT and other MIRACLE Marks. Those products are promoted, offered, and sold nationwide through a wide variety of retail means, including A&H's website (<http://www.miraclesuit.com/>) and numerous national, regional, and specialty retailers and e-tailers such as *Macy's*, *Nordstrom*, *Zappos.com*, *6PM.com*, *Swimoutlet.com*, *Chicos.com*, *Bloomingdales*, *Dillard's*, *Lord & Taylor*, *Belk*, *Everything but Water*, *Swim 'N Sport*, *Soma*, *Chico's*, *Talbot's*, *Bare Necessities*, and many others, as shown in the examples below:

The screenshot shows the Macy's website homepage with a search bar and navigation menu. A banner at the top reads "GET IT THERE BY VALENTINE'S DAY! ❤️ ORDER BY 2/8 AT 11:59PM ET. Choose Standard Shipping. Exclusions & Details". Below the banner, there is a promotional video for Miraclesuit with the text "BUY ONLINE, PICK UP IN STORE & GET EXTRA 20% OFF YOUR NEXT STORE PURCHASE! Exclusions apply. Find Out More". On the left, there are filter options for "Miraclesuit", "View All Bras, Panties & Shapewear", "filter by", "Pick Up In Store", "Shapewear Style" (Body Shaper, Camisoles & Tanks, Control Panty, Open Bust Shaper, Seamless, Slip, Thigh Slimmer, Waist Cincher), "Size" (Women's Regular, Plus Sizes, Bra Band & Bra Cup, Panties), and "Shapewear Control". The main content area displays 33 items in Miraclesuit, sorted by "Featured Items", with options to "Show 60, 120, All". The items shown include three different styles of shapewear: "Miraclesuit Extra Firm Control Flex Fit High-Waist Thighslimmer 2909" (\$54.00), "Miraclesuit Extra Firm Control Molded Cup Comfort Leg Body Shaper 2802" (\$68.00), and "Miraclesuit Extra Firm Control Sheer Trim Body Shaper 2783" (\$65.00). Each item has a small image and a "View Product" button.

Lord & Taylor
THE DRESS ADDRESS

Valentine's Day 2017 [SHOP NOW](#)

DRESSES WOMEN SHOES HANDBAGS JEWELRY & ACCESSORIES BEAUTY MEN

20% Off Clearance Items
15% Off Regular-Priced & Sale Items [Details](#)
Use Code FINAL or Print Pass

SHOP BY CATEGORY
Women (150) ▾

Home > Text Search: miraclesuit > Women > Lingerie, Bras & Shapewear

Search Results for: miraclesuit

REFINE BY:

Brand ▾ Price ▾ Product Type ▾ Style ▾

SORT: Newest ▾ Brand A to Z ▾ Lowest Price ▾ Highest Price ▾ Top ▾



Zappos
POWERED BY SERVICE

miraclesuit

[Search](#)

Shoes Clothing Bags & Handbags Accessories Boutiques Women's

ALPHABETICAL BRAND INDEX

A B C D E F G H I J K L

"Miraclesuit Women Underwear & Intimates" we found 57 items!

Narrow Your Choices

YOUR SELECTIONS: WOMEN ▾ CLOTHING ▾ UNDER

Shop All
SALE ITEMS

[SHOW SALE ITEMS](#)

SUBCATEGORY

Shapewear & Slips (57)
Panties (8)

BRA TYPE

T-Shirt Bras (4)
 Strapless Bras (2)



Miraclesuit Shapewear
Extra Firm Shape with an
Edge Hi-Waist Brief
\$42.00
★★★★★



Miraclesuit Shapewear
Extra Firm Sexy Sheer
Shaping Hi-Waist Brief
\$40.00
★★★★★

bare necessities®
SUPPORT...BEYOND MEASURE™

[Search](#)



BRAS BY SIZE BRAS PANTIES HOSIERY SHAPWEAR SLEEP SWIM SEXY ACTIVE MEN BRANDS CLEARANCE

YOUR RESULTS: MIRACLESUIT / SHAPWEAR (24 STYLES)

FILTER BY:

DEPARTMENT: SHAPWEAR

SHAPEWEAR STYLE

SIZE

BRA SIZE

COLOR



Sort: Best Sellers

Viewing All 24 Items



MIRACLESUIT 2802
EXTRA FIRM CONTROL COMFORT LEG
BODY SUIT
\$70.00



MIRACLESUIT 2783
SEXY SHEER EXTRA FIRM CONTROL
BODY SUIT
\$62.00



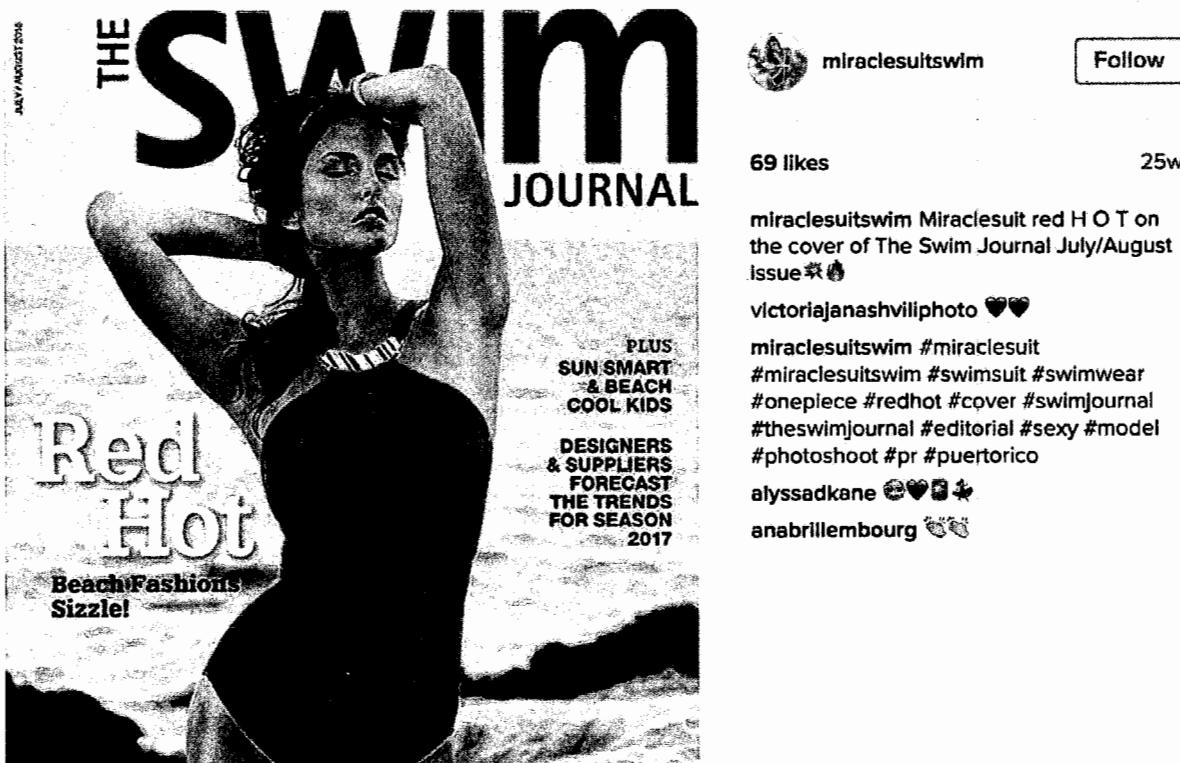
MIRACLESUIT 2910
SHAPE AWAY EXTRA FIRM CONTROL
STRAPLESS BODY SUIT
\$79.00



MIRACLESUIT 2918
SHAPE AWAY EXTRA FIRM CONTROL
TORSETTE BODY SUIT
\$66.00

15. A&H's products are also offered and sold through the websites and mail order catalogs of many of its retailers and through A&H's affiliated websites, catalogs, and toll-free call center.

16. For years, A&H has spent millions of dollars advertising and promoting its MIRACLE Marks and products to the general public. A&H has widely and extensively done so through virtually every available type of print and digital media, including nationally circulated magazines, online blogs and journals, social media, television segments, bus billboards, and New York Fashion Week events, as shown in the examples below:



as seen in
RACHAEL

Miraclesuit
Look 10 lbs Lighter in 10 Seconds

Date May 10, 2013
UVW 484,022

Bottle the Bulge by Switching Your Swimsuit

Could a bathing suit be the answer to a slimmer look this summer? Gretta Monahan helps a few viewers ditch their unflattering swimwear and find new suits that give them the confidence and a thinner appearance!

Miraclesuit
Look 10 lbs Lighter in 10 Seconds

INSTAGRAM
Date: June 2015
Followers: 150
Photo Likes: 23
Type: Social Media

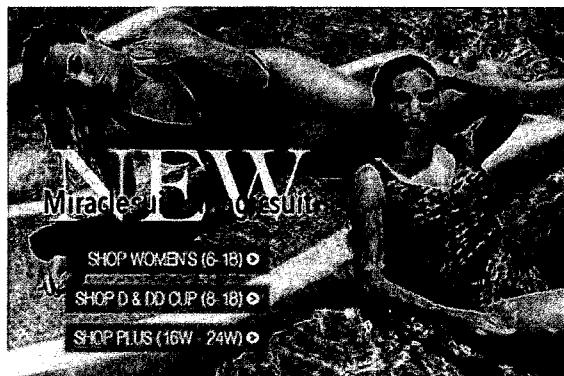
stylessenceblog [Follow](#)

Jenna Wash StyleSense: Everyday achievable, with a touch of the unexpected.
stylessenceblog.com

496 posts 120 followers 233 following

stylessenceblog another beach look from my summer stop today
#miraclesuit #magicsuit #style #fashion
#miraclesuit #magicsuit #style #fashion

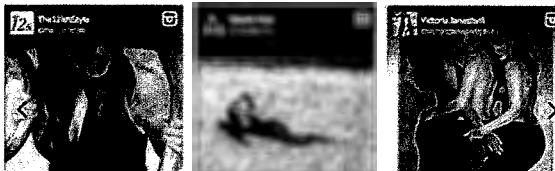
Log in to like or comment.



Now featuring #mymiracle

Share your miracle moments on Instagram using #mymiracle, and tag @miraclesuitswim for a chance to be featured in our gallery!

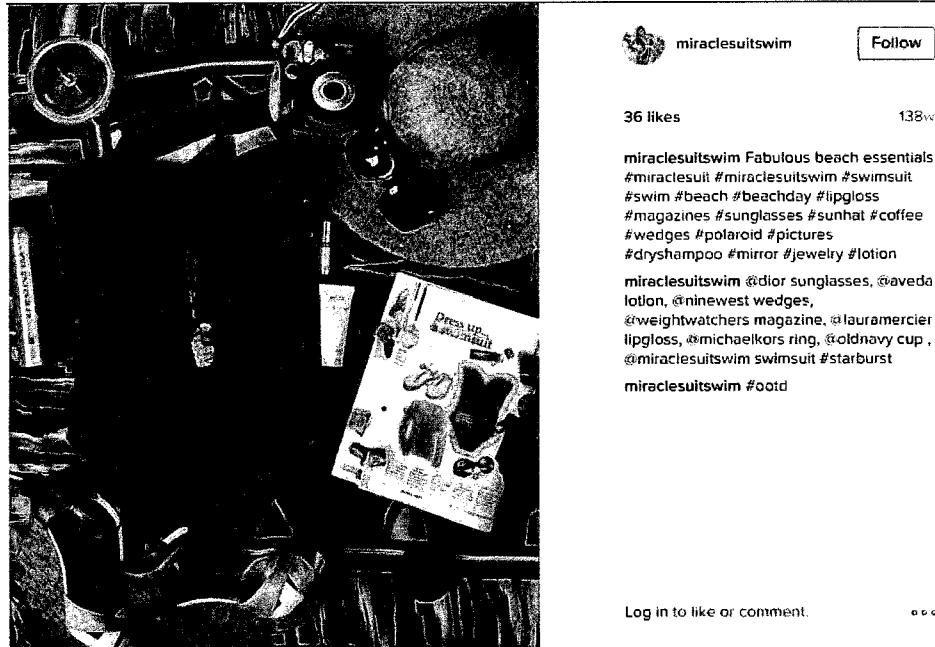
#MyMiracle #miraclesuitswim



29 likes 68w

miraclesuitswim Share your Miraclesuit moments on Instagram using #mymiracle and tagging us for a chance to be featured on our website!! #mymiracle #miraclesuitswim #experiencethemiracle #miraclesuit #magicsuit #magicsuitswim #miraclebody #miraclebodyjeans

Log in to like or comment.



 miraclesuitswim

Follow

36 likes

138w

miraclesuitswim Fabulous beach essentials
#miraclesuit #miraclesuitswim #swimsuit
#swim #beach #beachday #lipgloss
#magazines #sunglasses #sunhat #coffee
#wedges #polaroid #pictures
#dryshampoo #mirror #jewelry #lotion
miraclesuitswim @dior sunglasses, @aveda
lotion, @ninemest wedges,
@weightwatchers magazine, @lauramerier
lipgloss, @michaelkors ring, @oldnavy cup ,
@miraclesuitswim swimsuit #starburst
miraclesuitswim #ootd

Log in to like or comment.

...



 miraclesuitswim
Butterfly Studio Salon

Follow

32 likes

143w

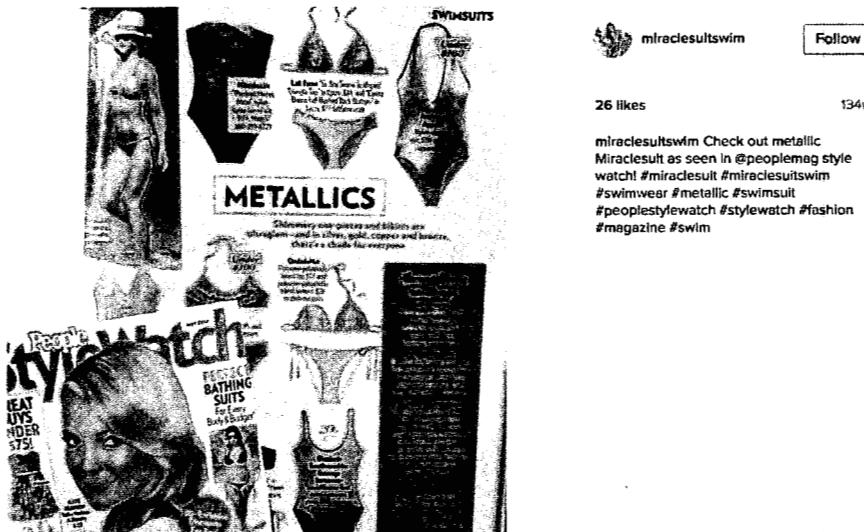
miraclesuitswim Gift bags ready to go!!
@momtrends @butterflystudiosalon
#trendytravel
mommytipsbycole So bummed I missed it!
mommiede Me too hate that I missed it!
@miraclesuitswim

Log in to like or comment.

...

17. In addition to its own substantial advertising and promotional activities, A&H and its MIRACLE Marks and products have received and continue to receive widespread unsolicited media coverage and features in countless printed publications, including *The Huffington Post*, *InStyle Magazine*, *Seventeen Magazine*, *Woman's Day*, *O Magazine*, *Good Housekeeping*,

Health Magazine, and *WeightWatchers Magazine*. They have also been featured on popular television programs, including the *Rachel Ray Show*, *CBS News*, *Good Morning America*, and the *TODAY Show*. Representative media coverage is shown below:





18. A&H owns, among others, the following valid and subsisting U.S. federal trademark registrations for its MIRACLE Marks:

Mark	Reg. No.	Reg. Date	Products/Services
MIRACLESHAPER	4135953	05/01/12	Swimwear; jeans; activewear, namely, shorts, pants, shirts, and tops; and sportswear, namely, shorts, pants, shirts and tops in Class 25
MIRACLESUIT	2631990	10/08/02	Men's and women's sportswear, namely, shorts, pants, tops, bodysuits; uniforms; intimate apparel, namely, shapers, girdles, figure controlling underwear; bodywear, namely, leotards in Class 25
MIRACLEBODY	2011542	10/29/96	Bodywear, namely body shapers, body suits; and swimwear; and women's and children's leotards; dancewear, namely, tights and unitards in Class 25
MIRACLEJEANS	4115402	03/20/12	Jeans; activewear, namely pants and shirts in Class 25

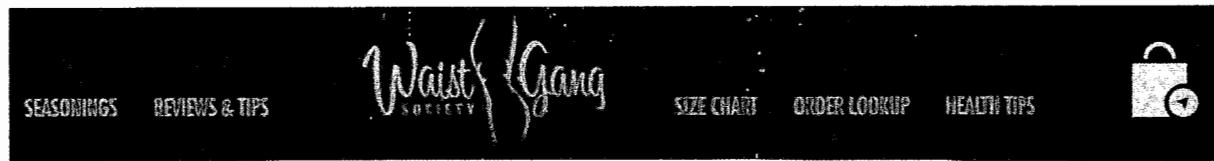
Printouts of these registrations from the U.S. Patent and Trademark Office database are attached as Exhibit A.

19. As a result of their distinctive nature and strength, significant commercial success, widespread advertising, and long-standing and extensive publicity, A&H's MIRACLE Marks are well-known and have been for years.

DEFENDANTS' WRONGFUL ACTIVITIES

20. Without A&H's authorization or approval, Defendants have been offering, promoting, and selling shapewear and waist-slimming products under MIRACLE WAIST SHAPER, MIRACLE AFRICAN DIET DROPS, MIRACLE SLIMMING BODY WRAP KIT, WAISTGANGSOCIETY WATER MIRACLE SHED PILLS, and other MIRACLE names and marks.

21. Defendants have promoted and sold their shapewear and related products under the Unauthorized Miracle Marks online, including through an online store located at <http://www.whatsawaist.com>:



MIRACLE WAIST SHAPER



MIRACLE WAIST SHAPER

\$ 125.33

CHOOSE YOUR SIZE

XS S M L XL 2X 3X
 4X 5X

CHOOSE YOUR QUANTITY

ADD TO CART



Waist Gang Society: Miracle African Diet Drops
\$ 79.99 \$ 32.99



Waist Gang Society: Miracle Slimming Body Wrap Kit
\$ 75.00



Waistgangsociety Water Miracle Shed Pills

\$79.99 \$ 38.99

22. Like A&H, Defendants also promote their Unauthorized Miracle Marks and products via social media, including Facebook and Instagram (as shown in the examples below):

Premadonna87
@premadonna87

Home **About** **Shop** **Photos** **Likes** **Videos** **Store** **Posts** **Create a Page**

Like Share Suggest Edits

#1 ZIP & CLIP BONELESS... \$120.19 SUPERHERO WAISTSHAPE... \$95.99 MIRACLE WAIST SHAPER \$125.33

Shop Now Message

Public Figure

FOLLOW ME ON INSTAGRAM/TWITTER
SNapchat. FOR ALL YOUR UPDATES
@PREMADONNA87 @WAISTGANGSOCIETY
Whatsawaist.com

107,726 people like this and 106,844 people follow this

About See All



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4,738 posts 347k followers 3 following

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international shipping ➡ US FRESDETRUGB Read FAQS ..online!
whatsawaist.com



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124 likes 4w

waistgangsociety Shop Now...
Whatsawaist.com All black Miracle waist shaper! Very comfy for everyday wear & invisible under all clothing! Click link in bio for special offer♥♥!!



waistgangsociety [Follow](#)

360 likes 5w

waistgangsociety It's time to get that Waist in tact.. Let us help you get snatched 💋💋. It's time to prepare for 2k17 summer body! Our Miracle waist shaper is an aggressive garment, tackles upper and lower belly fat all while still aggressively training your waist 💪!! Order today! #kimkardashian #waistgangsociety #premadonna #fitness www.whatsawaist.com

sammylovee_ @elvirapatricia this one girl! Go to the link in their bio! Mines the latex with steel bonded latches!

.prettypao_ @Hey_henny_



23. Defendants filed a federal trademark application for the MIRACLE WAIST SHAPER mark for intimate apparel and figure-enhancing garments with the United States Patent and Trademark Office (“PTO”). The PTO refused that application on the ground that the applied-for mark conflicts with, and is confusingly similar to, A&H’s previously registered MIRACLESHAPER mark.

24. A&H sent Defendants two letters, both demanding that they stop using the Unauthorized MIRACLE Marks. Defendants ignored A&H’s first demand and refused delivery of its second, indicating that they did not “want” the package and its contents, as shown below:



25. Defendants knew that their uses of the Unauthorized MIRACLE Marks violate A&H’s rights in its MIRACLE Marks. As a result, Defendants have acted knowingly, willfully, in reckless disregard of A&H’s rights, and in bad faith.

INJURY TO A&H AND THE PUBLIC

26. Defendants' uses of the Unauthorized MIRACLE Marks are likely to cause confusion, mistake, and deception as to the source or origin of Defendants' products, and are likely to falsely suggest a sponsorship, connection, or association between Defendants, their products, and/or their commercial activities with A&H.

27. Defendants' uses of the Unauthorized MIRACLE Marks are likely to dilute the distinctiveness and value of A&H's famous MIRACLESUIT mark.

28. Defendants' acts, as described above, have damaged and irreparably injured and, if permitted to continue, will further damage and irreparably injure A&H and its MIRACLE Marks.

29. Defendants' acts, as described above, have damaged and irreparably injured and, if permitted to continue, will further damage and irreparably injure the public, who has an interest in being free from confusion, mistake, and deception.

FIRST CLAIM FOR RELIEF Trademark Infringement Under Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1)

30. A&H repeats and re-alleges each and every allegation set forth in paragraphs 1 through 29 of this Complaint.

31. Without A&H's consent, Defendants used and continue to use in commerce reproductions, copies, and colorable imitations of A&H's registered MIRACLE Marks in connection with the offering, distribution, and advertising of goods, which is likely to cause confusion, or to cause mistake, or to deceive, in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

SECOND CLAIM FOR RELIEF
Trademark Infringement, False Designation
of Origin, Passing Off, and Unfair Competition
Under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)

32. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 31 of this Complaint.

33. Defendants' actions, as described above, are likely to cause confusion, or to cause mistake, or to deceive as to the origin, sponsorship, or approval of Defendants, their products, and/or their commercial activities by or with A&H, and thus constitute trademark infringement, false designation of origin, passing off, and unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

THIRD CLAIM FOR RELIEF
Common-Law Trademark Infringement
and Unfair Competition

34. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 33 of this Complaint.

35. Defendants' actions, as described above, are likely to cause confusion, to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants with A&H, or as to the origin, sponsorship, or approval of Defendants, their products, and their commercial activities by or with A&H such that Defendants' acts constitute infringement of A&H's proprietary rights in the MIRACLE Marks, misappropriation of A&H's goodwill in those marks, and unfair competition under Pennsylvania common law.

FOURTH CLAIM FOR RELIEF
Trademark Dilution Under Section
43(c) of the Lanham Act, 15 U.S.C. § 1125(c)

36. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 35 of this Complaint.

37. Plaintiff's MIRACLESUIT mark is famous, as that term is used in 15 U.S.C. § 1125(c), and was famous prior to Defendants' first use of the Unauthorized MIRACLE Marks based on, among other things, the federal registration of Plaintiff's MIRACLESUIT mark and the extensive nationwide use, advertising, promotion, and recognition of the mark.

38. Defendants' actions, as described above, are likely to dilute the distinctive quality of Plaintiff's MIRACLESUIT mark via both blurring and tarnishment in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), as amended by the Trademark Dilution Revision Act of 2006.

FIFTH CLAIM FOR RELIEF
Injury to Business Reputation and Dilution
Under 54 Pa. Stat. and Cons. Stat. Ann. § 1124

39. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 38 of this Complaint.

40. Based on the inherent and acquired marketplace strength, extensive nationwide use, advertising, promotion, and recognition of A&H's MIRACLESUIT Mark in this Commonwealth, the MIRACLESUIT Mark is famous as that term is used in 54 Pa. Stat. and Cons. Stat. Ann. § 1124, and was famous before Defendants' first uses of the Unauthorized MIRACLE Marks.

41. Defendants' acts, described above, are likely to dilute the distinctive quality of A&H's MIRACLESUIT mark and cause injury to A&H's business reputation in violation of 54 Pa. Stat. and Cons. Stat. Ann. § 1124 et. seq.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38, Plaintiff respectfully demands a trial by jury on all issues properly triable by a jury in this action.

PRAYER FOR RELIEF

WHEREFORE, A&H requests that this Court enter judgment in its favor on each and every claim for relief set forth above and award it relief including, but not limited to, the following:

- A. An Order declaring that Defendants' uses of the Unauthorized MIRACLE Marks infringe A&H's MIRACLE Marks, constitute unfair competition, and dilute A&H's MIRACLESUIT mark under federal, state, and/or common law, as detailed above;
- B. A permanent injunction enjoining Defendants and their employees, agents, partners, companies, affiliates, distributors, dealers, and all persons in active concert or participation with any of them:
 1. From using or registering MIRACLE WAIST SHAPER, MIRACLE AFRICAN DIET DROPS, MIRACLE SLIMMING BODY WRAP KIT, WAISTGANGSOCIETY WATER MIRACLE SHED PILLS, and/or any other marks or names comprised of or containing MIRACLE in any form (including, but not limited to, in connection with any other wording or designs) and from using any other marks, logos, designs, designations, or indicators that are confusingly similar to any of A&H's MIRACLE Marks and/or dilutive of A&H's MIRACLESUIT mark;
 2. From representing by any means whatsoever, directly or indirectly, that Defendants, any products or services offered by Defendants, or any activities undertaken by Defendants are associated or connected in any way with A&H, sponsored or authorized by A&H, or otherwise affiliated with A&H in any way;
 3. From assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs B(1)-(2);

C. An order directing Defendants to destroy all products, packaging, signage, advertisements, promotional materials, stationery, forms, and/or any other materials and things that contain MIRACLE WAIST SHAPER, MIRACLE AFRICAN DIET DROPS, MIRACLE SLIMMING BODY WRAP KIT, WAISTGANGSOCIETY WATER MIRACLE SHED PILLS, and/or any other marks, names, logos, designs, designations, or indicators comprised of or containing MIRACLE or that are confusingly similar to any of A&H's MIRACLE Marks and/or dilutive of A&H's MIRACLESUIT mark;

D. An Order directing Defendants to identify and cancel all other domain names and social media webpages that Defendants own or control containing any of the Unauthorized MIRACLE Marks (including, but not limited to, any domain names comprised of or containing MIRACLE), any marks confusingly similar to any of A&H's MIRACLE Marks, and/or any marks dilutive of A&H's MIRACLESUIT mark;

E. An Order directing Defendants to, within thirty (30) days after the entry of the injunction, file with this Court and serve on A&H's attorneys a report in writing and under oath setting forth in detail the manner and form in which Defendants have complied with the injunction;

F. An Order directing Defendants to immediately send to A&H all products, advertisements, hangtags, promotional materials, stationery, forms, and/or any other materials and things that contain or bear any of the Unauthorized MIRACLE Marks and/or any other marks or designations comprised of or containing MIRACLE or likely to be confused with A&H's MIRACLE Marks and/or dilute A&H's MIRACLESUIT mark;

G. An Order requiring Defendants to account for and pay to A&H any and all profits arising from the foregoing acts, and increasing such profits, in accordance with 15 U.S.C. § 1117 and other applicable laws;

H. An Order requiring Defendants to pay damages in an amount as yet undetermined (and including prejudgment and post-judgment interest) caused by the foregoing acts, and trebling such damages in accordance with 15 U.S.C. § 1117 and other applicable laws;

I. An Order requiring Defendants to pay A&H punitive damages for trademark infringement and unfair competition under Pennsylvania common law;

J. An Order requiring Defendants to pay A&H's costs and attorneys' fees in this action pursuant to 15 U.S.C. § 1117 and other applicable laws; and

K. Other relief as the Court may deem appropriate.

Dated: September 20, 2017

Respectfully submitted,



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